



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OKINAKA et al.

Atty. Ref.: 1417-352

Serial No. 09/878,311

Group: 1742

Filed: June 12, 2001

Examiner: Sheehan

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MAY 14 2003

GROUP 1700

For: SPINDLE-SHAPED GOETHITE PARTICLES, SPINDLE-SHAPED HEMATITE PARTICLES, SPINDLE-SHAPED MAGNETIC METAL PARTICLES CONTAINING IRON AS MAIN COMPONENT AND PROCESSES FOR PRODUCING THE SAME

8/140
05/15/03

* * * * *

May 13, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Responsive to the Official Action of April 18, 2003 and the requirement for restriction presented in it, applicants elect the subject matter of Group III, namely claims 9 to 12 and 16. This response is made with traverse to the extent the non-elected process claim 15 may be rejoined once the elected product claims are in condition for allowance.

Rejoinder is authorized by the Commissioner's Notice published in the *Official Gazette* of March 26, 1996 (1184 O.G. 86) implementing the Federal Circuit's decisions of *In re Ochiai*, 37 USPQ2d 1127 (1995) and *In re Brouwer*, 37 USPQ2d 1663 (1995):

If applicant elects claims directed to the product, and the product is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product will be rejoined. Where the

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restriction requirement is no longer applicable, the requirement (for restriction) should be withdrawn when the process claims are rejoined.

Please examine the elected claims taking into account the Information Disclosure Statement filed February 25, 2002. An examination on the merits is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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Reg. No. 25,327

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1417-352

C# M#

OKINAKA et al.

Group Art Unit: 1742

Serial No. 09/878,311

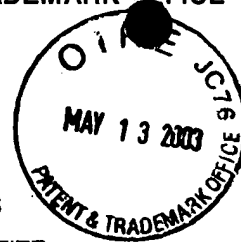
Examiner: Sheehan

Filed: June 12, 2001

Date: May 13, 2003

Title: SPINDLE-SHAPED GOETHITE PARTICLES, SPINDLE-SHAPED HEMATITE
PARTICLES, SPINDLE-SHAPED MAGNETIC METAL PARTICLES CONTAINING
IRON AS MAIN COMPONENT AND PROCESSES FOR PRODUCING THE SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



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MAY 14 2003

GROUP 1700

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: 